

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application	)	Application No. C-1350
of Voice Telephone Co. of Westlake	)	
Village, California seeking to	)	
obtain a certificate of public	)	
convenience and necessity to operate	)	DISMISSED
as a reseller of telecommunications	)	
services within the state of	)	
Nebraska.	)	Entered: August 1, 1996

PRELIMINARY MATTERS

On May 23, 1996, the applicant, Voice Telephone Co. of Westlake Village, California filed an application with the Commission for authority to operate as a resale common carrier of telecommunications services within the state of Nebraska. Notice of the application was published in the Omaha Daily Record on May 28, 1996.

BY THE COMMISSION

O P I N I O N   A N D   F I N D I N G S

Based on rules, regulations and state statutes, all intra-state telecommunication providers must obtain a Certificate of Public Convenience and Necessity prior to operating within Nebraska. Nebraska Revised Statutes, § 86-805 (Reissue 1994) and § 75-604 (Cum. Supp. 1994), state that the Commission may issue a certificate authorizing any telecommunication company to offer and provide interLATA and intraLATA interexchange services. These statutes go on to provide that no person, firm, partnership, limited liability company, corporation, cooperative or association shall offer any telecommunications services without first making an application for and receiving from the Commission a Certificate of Public Convenience and Necessity.

Voice Telephone Co. filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to operate within the state of Nebraska on May 23, 1996.

On June 12, 1996, the applicant was notified by phone that Voice Telephone Company's application was missing some of the required financial information. At that time, Mr. Hendricks indicated that he would send the needed interim financial information.

On June 19, 1996, the applicant was sent a letter explaining what information was needed. At this time, the requested information has not been provided by the applicant and the applicant has not returned the staff's phone call and has not responded to the June 19th letter.

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If the company desires to operate within the state of Nebraska, a certificate of public convenience and necessity must be obtained prior to offering intrastate service to subscribers. Should the Commission learn that the company is operating within the state, the company may face administrative fines, as well as a cease and desist order.

Based upon the above information, the Commission is hereby of the opinion that the application shall be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-1350 filed by Voice Telephone Co. of Westlake Village, California be, and it is hereby dismissed.

IT IS FURTHER ORDERED that the applicant shall not provide intrastate interexchange intraLATA and interLATA services in the state of Nebraska until granted a Certificate of Public Convenience and Necessity.

MADE AND ENTERED at Lincoln, Nebraska this 1st day of August, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Rod Johnson

//s//Frank Landis

//s//Daniel G. Urwiller

Chairman

ATTEST:



Executive Director